

**INDIVIDUAL MOTION PRACTICES OF  
MAGISTRATE JUDGE STEVEN M. GOLD  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Chambers 1217, Courtroom 13-D  
Brooklyn, New York 11201  
Telephone: (718) 613-2560  
Fax: (718) 613-2565**

Unless otherwise ordered by Judge Gold in a specific case, matters before Judge Gold shall be conducted in accordance with the following practices:

**1. COMMUNICATIONS WITH CHAMBERS**

**A. Letters**

Except as provided below, communications with chambers shall be by letter filed via ECF unless that case has specifically been excused from Electronic Case Filing.

**Copies of correspondence between counsel shall not be sent to the Court.**

**B. Telephone Calls**

In addition to Paragraph 1(D) below, telephone calls to chambers are permitted.

**C. Faxes**

Faxes to chambers are permitted only if the case has specifically been excused from Electronic Case Filing. Copies of faxes must also be simultaneously faxed or delivered to all counsel. No document longer than **5** pages may be faxed without prior authorization. **DO NOT FOLLOW WITH HARD COPY.** The fax number to chambers is 718-613-2565.

**D. Case Related Inquiries**

For case related questions, including status and scheduling, contact Lea Vasquez at (718) 613-2560 between 9:30 - 5:00.

**E. Request for Adjournments or Extension of Time**

All requests for adjournments of conferences or extensions of time **must be made in writing and submitted via ECF** and must state (1) the original date (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance or the Friday before the conference if the conference date is on a Monday or Tuesday. **UNDER NO CIRCUMSTANCES ARE COUNSEL TO ATTEMPT TO MAKE A REQUEST FOR ADJOURNMENT BY TELEPHONE.**

## **2. MOTIONS**

### **A. Pre-Motion Conferences in Civil Cases**

For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

### **B. Courtesy Copies**

Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

### **C. Memoranda of Law**

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

### **D. Filing of Motion Papers**

No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule. The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

### **E. Oral Argument on Motions**

Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

### **3. PRETRIAL PROCEDURES**

#### **A. Joint Pretrial Orders in Civil Cases**

Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval of a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x. A list by each party of exhibits to be offered in its case in chief, with one start indicating exhibits to which no party objects on any ground.

**B. Filings Prior to Trial in Civil Cases**

Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

- i. On the Thursday before trial in jury cases, requests to charge and proposed voir-dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a CD in WordPerfect or PDF format.
- ii. By claim, a detailed statement regarding damages and other relief sought;
- iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;
- iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine: and
- v. In any case where such party believes it would be useful, a pretrial memorandum.